

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

June 17, 2009

DIVISION ONE

Court convened at 9:00 a.m.

Present: Mallano, P.J., Rothschild, J., Ferns, J. (Assigned) and Miller, J. (Assigned) and
C. Hon, Deputy Clerk.

B214264 Delarosa
 v.
 SCLA
 The People

Matter continued to July 14, 2009.

Each of the following:

B204903 Agbasi v. County of Los Angeles
B209686 Snedecor v. WCAB

Matter continued to July 15, 2009.

B204227 Dean et al.
 v.
 Vedanta Society of Southern California et al.

Merits:

Argued by Michael Dean appellant in propria persona and by Christopher J.
Workman for respondents. Cause submitted.

DIVISION ONE (continued)

B206500 Segura et al.
 v.
 Mitsubishi Cement Corporation

Merits:
Argued by Holly N. Boyer for appellants and by Adrian J. Barrio for
respondent. Cause submitted.

B207712 Playa Vista, LLC
 v.
 Mercury Air Group, Inc.

Merits:
Argued by Douglas G. Benedon for appellant and by Kimberly McIntyre
for respondent. Cause submitted.

B204634 D.C., a Minor, et al.
 v.
 Harvard-Westlake School, et al.

Merits:
Argued by Robert S. Gerstein for appellants and by Kent A. Halkett for
respondent. Cause submitted.

B208578 Wagner
 v.
 Cramer

Merits:
Argued by Jerome M. Wagner for appellant and by Thomas E. Olson for
respondent. Cause submitted.

Court recessed.

June 17, 2009 (Continued)

DIVISION ONE (continued)

Court reconvened at 11:09 a.m.

Present: Mallano, P.J., Rothschild, J., Ferns, J. (Assigned) and Miller, J. (Assigned) and C. Hon, Deputy Clerk.

B206519 Mount Zion Baptist Church of Los Angeles
v.
State Farm General Insurance Company, et al.

Merits:
Argued by Ronald W. Makarem for appellant and by Kyle Kveton for respondents. Cause submitted.

Court adjourned.

DIVISION TWO

B204623 S.G. (Not for Publication)
v.
K.H.

The December 18, 2007, order is affirmed. The parties shall bear their costs on appeal.

Ashmann-Gerst, J.

We concur: Boren, P.J.
 Doi Todd, J.

DIVISION THREE

B207138 People (Not for Publication)
v.
Stephen Lovell Murphy

The judgment is affirmed except the sentence is vacated, the true finding on the prior prison term enhancement (§ 667.5, subd. (b)) based on the prior conviction in case No. KA013376 is reversed, and the matter is remanded for a retrial in accordance with the views expressed herein.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

B213506 In re Fernando Sanchez (Not for Publication)
on
Habeas Corpus

Sanchez's petition for writ of habeas corpus is granted. The Governor's decision reversing the 202 Board decision finding Sanchez suitable for parole is vacated. The matter is remanded to the Governor to reconsider the 2002 parole grant in a manner consistent with the requirements of *In re Lawrence*, supra, 44 Cal.4th 1181, and which does not rely on evidence not before the 2002 Board.

Croskey, J.

We concur: Klein, P.J.
Aldrich, J.

DIVISION THREE (continued)

B208919 People (Not for Publication)
v.
Guy Gallager

The judgment is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

B203776 Choi (Not for Publication)
v.
Ardmore Investors, LLC

The judgment is affirmed. Ardmore shall recover from Choi its costs on appeal.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

B210466 Buycks (Not for Publication)
v.
California Unemployment Insurance Appeals Board
American Cancer Society

The judgment from which petitioner has appealed is affirmed. The respondent Appeals Board shall recover its costs on appeal.

Croskey, J.

We concur: Klein, P.J.
Aldrich, J.

DIVISION THREE (continued)

B209913 Sturgeon (Certified for Publication)

v.

Bratton, et al.

Break The Cycle, et al.

The judgment is affirmed. Defendants and interveners shall recover their costs on appeal.

Croskey, J.

We concur: Klein, P.J.
 Kitching, J.

DIVISION FIVE

B207248 Victoria Vogel (Not for Publication)

v.

C. Casey Bennett

The judgment is reversed. Appellant(s) to recover costs.

Turner, P.J.

I concur: Armstrong, J.
I concur: Mosk, J. (opinion)

B214686 Los Angeles County, D.C.F.S. (Not for Publication)

v.

K.M.

In re D.M. et al., Persons Coming Under the Juvenile Court Law

The appeal is dismissed.

Turner, P.J.

We concur: Armstrong, J.
 Kriegler, J.

DIVISION FIVE (continued)

B213918 In re Tredis Earl Ferguson (Not for Publication)
on
Habeas Corpus

The petition for writ of habeas corpus is granted. Once the remittitur is issued, the trial court is to proceed as specified in the second paragraph of this opinion.

Turner, P.J.

We concur: Armstrong, J.
 Kriegler, J.

B206770 People (Certified for Partial Publication)
v.
Benito Cortes

Filed order modifying opinion. (No change in the judgment)

DIVISION SIX

B209460 Helaly (Not for Publication)
v.
Dimeo

The judgment is affirmed. Respondent shall recover her costs on appeal.

Yegan, J.

We concur: Gilbert, P.J.
 Coffee, J.

June 17, 2009 (Continued)

DIVISION SIX (continued)

B214934 A.P. (Not for Publication)
v.
Santa Barbara Superior Court
(Santa Barbara County Child Welfare Services, r.p.i.)

The petition for extraordinary writ is denied.

Yegan, J.

We concur: Gilbert, P.J.
 Coffee, J.

B214071 R.F. (Not for Publication)
v.
Superior Court of Santa Barbara Co.
Santa Barbara Dept. of Social Services

The petition for extraordinary writ is denied.

Yegan, J.

We concur: Gilbert, P.J.
 Coffee, J.

B209733 Onstot (Not for Publication)
v.
Onstot

The judgment (findings and order after hearing) is affirmed. Costs to wife.

Yegan, J.

We concur: Gilbert, P.J.
 Coffee, J.

DIVISION SEVEN

B210150 In re J.K.
Los Angeles County, D.C.F.S.
v.
T.K.

Filed order certifying opinion for publication.

DIVISION EIGHT

B214512 S.I. (Not for Publication)
v.
Superior Court, Los Angeles County
Los Angeles County, D.C.F.S.

The petition is denied. This opinion is final forthwith as to this court under rule 8.264 of the California Rules of Court.

Rubin, Acting P.J.

We concur: Flier, J.
Bauer, J. (Assigned)

B198070 People (Not for Publication)
v.
Pruitt

The judgment is affirmed.

Rubin, Acting P.J.

We concur: Flier, J.
Bigelow, J.

June 17, 2009 (Continued)

DIVISION EIGHT (continued)

[illegible]

The judgment is modified to vacate the \$5,030 construction penalty fine imposed by the trial court and to impose a new construction penalty fine in the amount of \$30 pursuant to Government Code section 70372. The superior court clerk shall forward a copy of the modified abstract of judgment to the Department of Corrections and Rehabilitation. The judgment is affirmed in all other respects.

Rubin, Acting P.J.

We concur: Flier, J.
Bauer, J. (Assigned)